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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,604	11/20/2000	Apurva M. Desai	A-68701/MAK/LM	1590
30636	7590	02/23/2006		
FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038			EXAMINER PEYTON, TAMMARA R	
			ART UNIT 2182	PAPER NUMBER
DATE MAILED: 02/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/716,604

Applicant(s)

DESAI ET AL.

Examiner

Tammara R. Peyton

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 13, 23-26, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fry et al., (US 6,415,341).

As per claim 12 and 31, Fry teaches a system method comprising:
a register device for conducting a transaction (see figure 4, elements 12 and 14),
a first peripheral device configured to communicate information regarding the transaction according to a first protocol (see figure 4, element 32 communicates with first protocol, element 70);

a protocol converter/transaction controller coupled to the register device and the first peripheral device, the protocol converted configured to receive information from the first peripheral device according to the first protocol and communicate the information using TCP/IP (see figure 4, element 30 and column 5, lines 27-31), and

a protocol converter/transaction controller coupled to the protocol converter and the register device, the transaction controller operable to facilitate communication between the register device and the protocol converter (see figure 4, element 30).

Element 30 of figure 4 is a protocol converter/print share device as labeled. Column 4, lines 29-34 of Fry teaches protocol converter/print share device 30 is operable to convert the print commands output from the POS terminals, prioritize those commands, and send those commands to printer 32. Fry's protocol converter/print share acts as a protocol converter (converts the print commands output from the POS terminals) as well as a transaction controller as it facilitates communication between the register device and protocol converter (the prioritizing the print commands and sending the commands to the printer are transaction controller operations to facilitate communication between the register device and protocol converter).

As per claims 13, 23-26, 29, and 30, please see the rejection in the previous Office Action dated 1/12/05.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fry.

As per claims 14-18, Fry teaches wherein the first peripheral device comprises a printer (see figure 4, element 32). Applicant's numerous definitions of a first peripheral device (claims 14-18) is construed to be an admission that the criticality does not reside in the type of first peripheral device" utilized and hence obvious variants of one another.

As per claims 19-22, Fry teaches wherein the first protocol comprises R5232 (see figure 4, element 70). Applicant's numerous definitions of a first protocol" (claims 19-22) is constructed to be an admission that the criticality does not reside in the type of first peripheral device" utilized and hence obvious variants of one another.

As per claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fry in view of <http://www.sun.com/jini>, please see previous rejection.

Applicant argues that the system taught by Fry does not include a transaction controller to facilitate communication between the protocol converter and the register. In previous arguments Examiner took the position that Fry taught a transaction controller (Fig. 4, 30) that incorporates a protocol converter that would enable the system taught by Fry to facilitate communication between the (internal) protocol converter and the register. Examiner is taking the position that the transaction controller and protocol converter are one in the same that perform the claim function. Further,

Examiner does not understand why Applicant is arguing that the position of the transaction controller/protocol converter is "keeping the system operational when a new device is added," (pg. 8), when the claim leaves open the specific purpose for the transaction controller/protocol converter. However, nowhere the claim does it state that transaction controller/protocol converter is for keeping the system operational when a new device is added, therefore, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

Art Unit: 2182

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(571) 273-8300

Hand-delivered responses should be brought to:


USTPO, Randolph Building, Customer Service Window

401 Dulany Street

Alexandria, VA 22314.

Tammara Peyton

February 6, 2006



TAMMARA PEYTON
PRIMARY EXAMINER